

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

On June 11, 2009, the Court granted the Plaintiff's motion to vacate and ordered that the judgment in favor of the Defendant entered on June 26, 2008, be vacated. See Docket No. 10. The case was subsequently reopened. The Court conducted a telephone conference with the parties on July 13, 2009, to discuss the status of the case.

A complaint was filed on November 9, 2007, but the Defendant has never been served. Rule 4(c)(1) of the Federal Rules of Civil Procedure requires that a summons must be served with a copy of the complaint. “The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.” Fed. R. Civ. P. 4(c)(1). Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, a plaintiff must serve a defendant within 120 days after the complaint is filed. However, the Court “must extend the time for service for an appropriate period” if the plaintiff shows good cause for the failure to serve. Fed. R. Civ. P. 4(m).

Having shown good cause for the failure to serve the summons and complaint, the Plaintiff is entitled to additional time for service. The Plaintiff shall have until October 9, 2009, which is 120 days from June 11, 2009, to serve the Defendant with the summons and complaint.

IT IS SO ORDERED.

Dated this 14th day of July, 2009.

/s/ Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court